

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

ENGINEER: CHARLES N. (NORM) MILLER
TELEPHONE: (202) 418-2767
FACSIMILE: (202) 418-1410
E-MAIL: charles.miller@fcc.gov

January 12, 2010

John S. Neely, Esq.,
Miller and Neely, P.C.
6900 Wisconsin Avenue, Suite 704
Bethesda, MD 20815

Re: KCBC(AM), Riverbank, California
Facility Identification Number: 34587
Kiertron, Inc.
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed January 11, 2010, on behalf of Kiertron, Inc. ("Kiertron"). Kiertron requests special temporary authority ("STA") to operate Station KCBC with its substantially adjusted daytime and nighttime directional patterns.¹ In support of the request, Kiertron states that it is in the process of implementing Construction Permit BP-20090820ABR, and that it is preparing to convert the KCBC license to a Method of Moments ("MOM") proof of performance.

Our review indicates that, due to the derivation of new operating parameters via MOM analysis, neither the currently licensed antenna monitor readings nor the licensed monitor point field strength limits will necessarily be applicable to the proposed STA operation. STA will be granted as requested.

Accordingly, the request for STA IS HEREBY GRANTED. Station KCBC may operate with the substantially adjusted daytime and nighttime directional antenna patterns authorized by Construction Permit BP-20090820ABR, pending the filing and processing of an application for modification of license supported by a MOM proof of performance pursuant to 47 C.F.R. Section 73.151(c).² Nighttime operating power shall be reduced to the currently licensed level of one kilowatt. Operation during daytime hours with the nighttime pattern and power authorized by the permit is authorized for the purpose of taking reference measurements. It will be necessary to reduce power or cease operation if complaints of interference are received. Kiertron must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **July 12, 2010**.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the

¹ KCBC is licensed to Riverbank, California, for operation on 770 kHz with 50 kilowatts daytime and 1 kilowatt nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U). Construction Permit BP-20090820ABR authorizes a change in the community of license to Manteca, an increase in nighttime operating power to 4.1 kilowatts and changes to the nighttime directional pattern.

² Operating parameters shall be maintained within $\pm 5\%$ current ratios and $\pm 3^\circ$ phase of the MOM model-derived parameters, which shall be posted with the station license along with a copy of this letter.

Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Kiertron, Inc.